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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/524,119

02/10/2005

Robert Paret

05008

2156

23338 7590 03/06/2007  
DENNISON, SCHULTZ & MACDONALD  
1727 KING STREET  
SUITE 105  
ALEXANDRIA, VA 22314

EXAMINER

KASTLER, SCOTT R

ART UNIT

PAPER NUMBER

1742

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

03/06/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

**Application No.**

10/524,119

**Applicant(s)**

PARET ET AL.

**Examiner**

Scott Kastler

**Art Unit**

1742

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/7/05</u> . | 6) <input type="checkbox"/> Other: ____.  |

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 and 8-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Hartman. Hartman teaches a device for injecting a treatment gas (the tuyere B) into a tank, or vessel containing molten metal (the blast furnace) which includes a “pricker bar” (R) which meets the limitation of a mobile means for unblocking the end hole of the nozzle of the tuyere, where the bar (R) is equipped with automated controls (the piston arrangement), as well as guidance means (see figure 3 for example) and a rod which has a decreasing diameter, thereby showing all aspects of the above claims.

Claims 1-7 and 9-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Osborn. Osborn teaches a device for injecting a treatment gas (4 for example) into a tank, or vessel containing molten metal (1) which includes a “clean out bar” (21), with a manually operable handle (23) and packing (26) allowing for leak tightness while inserting the bar, which meets the limitation of a mobile means for unblocking the end hole of the nozzle of the tuyere, as well as guidance means (see figure 3 for example), thereby showing all aspects of the above claims.

Claims 1-4, 9 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Gannon. Gannon teaches a device for injecting a treatment gas (a for example) into a tank, or vessel containing molten metal (A) which includes a bar (F), with a manually operable handle, which meets the limitation of a mobile means for unblocking the end hole of the nozzle of the tuyere, as

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well as guidance means (see figure 3 for example), thereby showing all aspects of the above claims.

Claims 1-4, 8-10 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by De Villers et al. De Villers et al teaches a device for injecting a treatment gas (33) into a tank, or vessel containing molten metal (32) which includes a bar (37) which meets the limitation of a mobile means for unblocking the end hole of the nozzle of the tuyere, where the bar (37) is equipped with automated controls (see figures 4-10 for example), as well as guidance means (see figure 1 for example), thereby showing all aspects of the above claims.

Claims 1-4, 8-10 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by McKerrow et al. McKerrow et al teaches a device for injecting a treatment gas (10) into a tank, or vessel containing molten metal (see figure 1 for example) which includes a bar (2) which meets the limitation of a mobile means for unblocking the end hole of the nozzle of the tuyere, where the bar (2) is equipped with automated controls, as well as guidance means (see figure 1 for example), thereby showing all aspects of the above claims.

Claims 1-4, 8-10 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Iyama et al. Iyama et al teaches a device for injecting a treatment gas (2) into a tank, or vessel containing molten metal (1) which includes a bar (5) which meets the limitation of a mobile means for unblocking the end hole of the nozzle of the tuyere, where the bar (5) is equipped with automated controls (see figures 9A-9C for example), as well as guidance means (see figure 3 for example), thereby showing all aspects of the above claims.

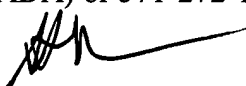
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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Kastler whose telephone number is (571) 272-1243. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy King can be reached on (571) 272-1244. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Scott Kastler  
Primary Examiner  
Art Unit 1742

sk